



Douglas A. Ducey,
Governor

Arizona State Board of
Podiatry Examiners
“Protecting the Public’s Health”

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OPEN SESSION MINUTES

February 13, 2019

Members of the Arizona State Board of Podiatry Examiners (“Board”) held a meeting at 8:42 a.m. on Wednesday, February 13, 2019 at the Board’s office in Boardroom C, 1740 West Adams St., Phoenix, Arizona 85007. The Board met in executive session from 10:12 a.m. to 10:21 a.m.

BOARD MEMBERS:

Barbara Campbell, DPM..... Board President and Practitioner Member
John Rhodes Secretary and Public Member
Joseph Leonetti, DPM..... Practitioner Member
Mark Forman, DPM..... Practitioner Member
Vacancy..... Public Member

STAFF AND ASSISTANT ATTORNEY GENERAL PRESENT:

Kristina C. Gomez Executive Director
Frankie Shinn-Eckberg, Esq..... Assistant Attorney General

GUEST(S) PRESENT AND/OR PARTICIPATING

Jerome A. Cohn, DPM..... Board’s Investigator
Dedrie M. Polakof, DPM..... Board’s Investigator
Kamran Farahani, DPM..... Respondent
☎ Lisa Demidowich, DPM..... Respondent
Bruce D. Crawford, Esq..... Respondent’s Attorney
Kevin O’Brien, DPM..... Respondent
Kimberly Kent, RN, Esq..... Respondent’s Attorney
Complainant..... Investigative Case 18-26-C
Barry Kaplan, DPM..... Practitioner

☎ Appeared telephonically

OPEN SESSION

The meeting was called to order at 8:42 a.m. by Dr. Barbara Campbell. The following order of business was then considered:

DECLARATION OF CONFLICTS OF INTEREST – A.R.S. § 38-503

No new conflicts were declared.

The Americans with Disabilities Act: Persons with disabilities may request reasonable accommodations, such as sign language interpreters. Requests should be made as early as possible to allow time to arrange the accommodation. This document is available in alternative format upon request.

ITEMS FOR BOARD REVIEW, DISCUSSION AND POSSIBLE ACTION

Investigation File(s)

19-11-C; Farahani, Kamran, DPM

Dr. Kamran Farahani was present and briefly described the treatment performed to the patient. The investigator, Dr. Dedrie Polakof summarized her report concerning the patient and answered questions from the Board. Dr. Farahani responded to the Board’s questions regarding the matter.

After discussion, a motion was made by Mr. John Rhodes, seconded by Dr. Mark Forman and passed 4 – 0 to dismiss the case due to no violations of Board Statutes and Rules.

	Dr. Campbell	Dr. Leonetti	Dr. Forman	Mr. Rhodes	VACANCY
Yay	X	X	X	X	
Nay					
Recused					
Abstained					
Absent					

19-08-C; Demidowich, Lisa, DPM

Dr. Lisa Demidowich was present telephonically and her attorney Mr. Bruce Crawford participated in person. Dr. Jerome Cohn was present and summarized his investigator’s report concerning the matter. Dr. Cohn responded to the Board’s questions regarding the complaint. Mr. Crawford and Dr. Demidowich both made comments regarding the dispute, and responded to the Board’s questions.

A motion was made by Dr. Barbara Campbell, seconded by Dr. John Rhodes, and passed 3 – 0 – 1 to dismiss the case due to no violations of Board Statutes and Rules.

	Dr. Campbell	Dr. Leonetti	Dr. Forman	Mr. Rhodes	VACANCY
Yay	X	X		X	
Nay					
Recused					
Abstained			X		
Absent					

Dr. Forman declared a conflict and did not participate.

18-26-C; Farrell, Patrick, DPM

Dr. Patrick Farrell was present with his legal counsel Ms. Kimberly Kent. The complainant was present and provided a summary of the matter, and her background. Dr. Jerome Cohn was present and summarized his investigator’s report concerning patient S.R. Dr. Cohn discussed the patient’s care, and responded to the Board’s questions regarding the complaint. Ms. Kent made a statement and answered the Board’s questions. Dr. Farrell responded to several questions from the Board regarding the patient. The Board had several follow up questions for Dr. Farrell.

The Board discussed going into executive session to seek legal advice.

EXECUTIVE SESSION

A motion was made by Dr. Barbara Campbell, seconded by John Rhodes and passed unanimously to go into executive session at 10:11 a.m. to seek legal pursuant to A.R.S. § 38-431.03(A)(3) regarding file no 18-26-C.

After consideration in executive session, the Board reconvened in open session at 10:29 a.m.

OPEN SESSION

ITEMS FOR BOARD REVIEW, DISCUSSION AND POSSIBLE ACTION

Investigation File(s)

18-26-C; Farrell, Patrick, DPM

Dr. Patrick Farrell was again present with his legal counsel, Kimberly Kent. S.R. was present. The Board had additional questions for Dr. Farrell.

After discussing the matter, a motion was made by Dr. Barbara Campbell, seconded by Dr. John Rhodes, and passed 4 – 0 to order a non-disciplinary CE and voluntary chart audit.

	Dr. Campbell	Dr. Leonetti	Dr. Forman	Mr. Rhodes	VACANCY
Yay	X	X	X	X	
Nay					
Recused					
Abstained					
Absent					

19-09-C; Saunders, Daniel, DPM

Dr. Daniel Saunders was not present, and the complainant was not present. Dr. Dedrie Polakof was present and summarized her investigator’s report.

After discussion, a motion was made by Dr. Barbara Campbell, seconded by Dr. Mark Forman and passed 4 – 0 to dismiss the case due to no violations of Board Statutes and Rules.

	Dr. Campbell	Dr. Leonetti	Dr. Forman	Mr. Rhodes	VACANCY
Yay	X	X	X	X	
Nay					
Recused					
Abstained					
Absent					

19-10-C; Shih, Alan, DPM

Dr. Alan Shih was not present, and the complainant was not present. Dr. Jerome Cohn provided a summary of the complaint and his investigation to the Board.

After discuss, a motion was made by Mr. John Rhodes, seconded by Dr. Mark Forman and passed 4 – 0 to dismiss the case due to no violations of Board Statutes and Rules.

	Dr. Campbell	Dr. Leonetti	Dr. Forman	Mr. Rhodes	VACANCY
Yay	X	X	X	X	
Nay					
Recused					
Abstained					
Absent					

INVESTIGATION FILES RECOMMENDED FOR DISMISSAL

Frankie Shinn-Eckberg, Assistant Attorney General summarized the anonymous complaint regarding George Gendy. M.D. The allegation against Dr. Gendy was advertising himself as a podiatrist. After researching the matter, the advertising is a result of web scraping, and there is no way to rectify the information. Dr. Gendy is practicing under his medical practice scope.

After discussion, a motion was made by Dr. Joseph Leonetti, seconded by Dr. Mark Forman and passed 4 – 0 to dismiss the case.

	Dr. Campbell	Dr. Leonetti	Dr. Forman	Mr. Rhodes	VACANCY
Yay	X	X	X	X	
Nay					
Recused					
Abstained					
Absent					

REVIEW, DISCUSSION AND POSSIBLE ACTION ON BOARD MEETING MINUTES

Discussion and approval of the Open Session Minutes from the January 9, 2019 board meeting

A motion was made by Dr. Barbara Campbell, seconded by Dr. Joseph Leonetti, and passed 4 – 0 to approve the Open Session Minutes from the January 9, 2019 Board meeting as written.

	Dr. Campbell	Dr. Leonetti	Dr. Forman	Mr. Rhodes	VACANCY
Yay	X	X	X	X	
Nay					
Recused					
Abstained					
Absent					

Discussion and approval of the Open Session Minutes from the January 31, 2019 board meeting

A motion was made by Dr. Barbara Campbell, seconded by Dr. Mark Forman, and passed 4 – 0 to approve the Open Session Minutes from the January 31, 2019 Board meeting as written.

	Dr. Campbell	Dr. Leonetti	Dr. Forman	Mr. Rhodes	VACANCY
Yay	X	X	X	X	
Nay					
Recused					
Abstained					
Absent					

Discussion and approval of the Executive Session Minutes from the January 31, 2019 board meeting

A motion was made by Dr. Barbara Campbell, seconded by Dr. Mark Forman, and passed 4 – 0 to approve the Executive Session Minutes from the January 31, 2019 Board meeting as written.

	Dr. Campbell	Dr. Leonetti	Dr. Forman	Mr. Rhodes	VACANCY
Yay	X	X	X	X	
Nay					
Recused					
Abstained					
Absent					

Discussion and approval of the Open Session Minutes from the February 5, 2019 board meeting

A motion was made by Dr. Barbara Campbell, seconded by Dr. Mark Forman, and passed 4 – 0 to approve the Open Session Minutes from the February 5, 2019 Board meeting as written.

	Dr. Campbell	Dr. Leonetti	Dr. Forman	Mr. Rhodes	VACANCY
Yay	X	X	X	X	
Nay					
Recused					
Abstained					
Absent					

Discussion and approval of the Executive Session Minutes from the February 5, 2019 board meeting

A motion was made by Dr. Barbara Campbell, seconded by Dr. Mark Forman, and passed 4 – 0 to approve the Executive Session Minutes from the February 5, 2019 Board meeting as written.

	Dr. Campbell	Dr. Leonetti	Dr. Forman	Mr. Rhodes	VACANCY
Yay	X	X	X	X	
Nay					
Recused					
Abstained					
Absent					

BOARD PRESIDENT'S REPORT

The Board President, Dr. Barbara Campbell summarized her attendance of the National Board of Podiatry Medical Examiners (AMPLE). The exam is the clinical skills podiatric exam for the second part of the National Boards that individuals take, which they must pass. The exam determines the competency level for students to enter into residency. They evaluate the communication and podiatric skill level to see if the criteria developed shows that individuals have minimal level of competency.

LEGISLATIVE UPDATE AND DISCUSSION

Kristina Gomez, Executive Director provided an update regarding Arizona State Legislature bills, which includes SB 1086, SB 1096, SB 1123, SB 1103, SB 1108, SB 1105, SB 1029, HB 2075, HB 2118, HB 2231, HB 2463, HB 2519, HB 2113, HB 2068, HB 2058 and/or any other related legislation.

REVIEW, DISCUSSION AND POSSIBLE ACTION REGARDING PROPOSED CHANGES TO BOARD STATUTES AND RULES

Dr. Joseph Leonetti discussed with the Board possible modifications to A.R.S. § 32-854.01(11). The purpose is to modify the statute to allow the podiatric community to purge patient paper records after six years, given that most physicians are moving to electronic record keeping. The current statute requires physicians to maintain records for seven years, which is not consistent with other states. Dr. Leonetti recommended for the Board to continue discussions of proposed modification for next Legislative session.

REVIEW, DISCUSSION ON MEDICAL PRACTITIONER REGARDING DISCRETIONARY UP-CODING BY MEDICAL CODERS / BILLING

Dr. Barry Kaplan presented information regarding coding. The concern are physicians who work for groups or corporate practices having no control over the change in coding. It is possible that physicians would not know there is a change in coding until a complaint is filed for billing issues. The only way physicians have control on coding would be based on physician notes. There is a need for some protection for doctors.

EXECUTIVE DIRECTOR'S REPORT

The Board reviewed the budget, agency operations, and complaint log with Kristina C. Gomez. The Board recognized Dr. Barry Kaplan and Dr. Joseph Leonetti for their years of public service with the Board.

SUMMARY OF CURRENT EVENTS

None were discussed.

CALL TO THE PUBLIC

No one was present from the public.

DISCUSSION AND POSSIBLE ACTION ITEMS TO BE PLACED ON FUTURE MEETING AGENDAS

None were discussed.

NEXT BOARD MEETING DATE

Wednesday, March 13, 2019 at 8:30 a.m.

ADJOURNMENT

A motion was made by Dr. Barbara Campbell, seconded by Dr. Joseph Leonetti, and passed unanimously to adjourn at 11:44 a.m.

	Dr. Campbell	Dr. Leonetti	Dr. Forman	Mr. Rhodes	VACANCY
Yay	X	X	X	X	
Nay					
Recused					
Abstained					
Absent					